IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1082 OF 2005
IN
L.C. SUIT NO. 2230 OF 1999

Ramganesh Mukut Singh ... PLAINTIFF

V/s.

Vishwambhar Trust & Ors. ... DEFENDANTS

And

Swatantrya Nagar Rahiwashi Sangh... Applicants
& ors.

Mr. R. Yadav i/b. Pandey & Co. for the plaintiff.
Ms. P.N. Ghalsashi for the applicants.

CORAM : ANOOP V. MOHTA, J.
DATED : 17th March, 2006

P.C.

. Heard.

2, Admittedly when the order dated 2nd November, 2004 was passed, the applicants in this Notice of Motion were not party to the Suit No. 2230 of 1999 filed by the plaintiff and original defendants. By order dated 2nd December, 2004, in-fact the Notice of Motion was disposed of in terms of prayer clause (a) and (b).

3. The Learned Counsel appearing for the applicants and plaintiff further states that this order became final and remained unchallenged by the defendants.

4. The Learned Counsel appearing for the applicant further submitted that Chamber Summons No. 1752 of 2002 has been disposed of by order dated 7th June 2005. In the result applicants are directed to join as party - defendants. Considering the rival contentions raised by the parties I am not inclined to grant any relief to the applicants in this Notice of Motion and specially prayer clause of setting aside order dated 2nd December, 2005 by this Notice of Motion. However, liberty is granted to the applicants to take out appropriate proceedings to challenge the said order by taking leave of the Court, if necessary.

5. This Notice of Motion is accordingly disposed of with no order as to costs. All contentions are kept open.

[ANOOP V. MOHTA, J.]